



House of Representatives

General Assembly

File No. 439

February Session, 2006

Substitute House Joint Resolution No. 37

House of Representatives, April 6, 2006

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute joint resolution ought to be adopted.

RESOLUTION VACATING THE DECISION OF THE CLAIMS COMMISSIONER TO DISMISS THE CLAIM AGAINST THE STATE OF G. CAPASSO & SONS, LLC, AND AUTHORIZING THE CLAIMANT TO SUE THE STATE.

Resolved by this Assembly:

- 1 That the decision of the Claims Commissioner, file number 20379 of
- 2 said commissioner, ordering the dismissal of the claim against the state
- 3 in excess of seven thousand five hundred dollars of G. Capasso &
- 4 Sons, LLC, is vacated and the claimant is authorized to institute and
- 5 prosecute to final judgment an action against the state to recover
- 6 damages as compensation for property damage allegedly sustained by
- 7 the claimant on and after September 15, 2004. Such action shall be
- 8 brought not later than one year from the date of the final adoption by
- 9 the General Assembly of this resolution.

JUD *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 07 \$	FY 08 \$
Comptroller - Adjudicated Claims Account	GF - Potential Cost	23,000	None
Department of Transportation	GF - Cost	Potential Minimal	None
Attorney General	GF - None	None	None

Note: GF=General Fund

Municipal Impact: None

Explanation

The resolution would allow the claimant to sue the state to recover damages, in the amount of \$23,000, allegedly sustained as a result of actions by the Department of Transportation (DOT). The DOT could incur minimal costs related to legal expenses. Any workload increase to the Office of the Attorney General under the resolution could be accommodated within budgeted resources. Payment on the claim itself, were it to occur, would be made from the Comptroller’s Adjudicated Claim account.¹

The Out Years

There is no out year fiscal impact.

¹ The Adjudicated Claims account is a non-appropriated, General Fund account within the State Comptroller’s agency for administrative purposes. Payments from this account would reduce a surplus or increase a deficit in the General Fund.

OLR Bill Analysis

sHJ 37

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SUMMARY:

The Office of Legislative Research does not analyze Resolutions.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 35 Nay 0 (03/21/2006)